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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/050,838

01/16/2002

Michael H. Gurin

1328

7590

01/24/2006

Michael Gurin
Suite A
4132 Cove Lane
Glenview, IL 60025

EXAMINER

LIU, JONATHAN

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,838

Applicant(s)

GURIN, MICHAEL H.

Examiner

Jonathan Liou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tandon (US Pub No. 2002/0085552.)

Regarding claim 1, Tandon disclose a communication system (**See Fig. 3.**) comprising a combination of (A) a wireless communication device with two separate transceivers (**Tandon teach a wireless communication device, which have several different transmitter. See Fig. 3, 10, and sec [0107]**) and a unique access number (See sec [0162].) (B) said transceivers with a short-range wireless or wired transceiver and long-range wireless transceiver (**Tandon teaches using the wireless and having radio frequency, which is the long range wireless transceiver, and shows the wired the transceiver in Fig. 3. See Fig. 3 and sec [0107], [0426].**)(C) a communication management system from the group of local communication management system for individual coordinated device connectivity, distributed communication management system for management of multiple communication devices, (**See sec [0186]-[0187], [0220].**)(D) said communication management system

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performing dynamic switching of communication transceivers and dynamic addressing of communication devices within the network of communication devices (**See sec [0191], [0401].**)

Regarding claim 3, Tandon teaches the access number is associated a routing identification or routing ID (RID), which is corresponding with a routing table (**See sec [0099]-[0101]**) Tandon also teaches the data could be video data, Gigabit Ethernet data, static internet protocol address (**See sec [0103], [0166]-[0170].**)

Regarding claim 4, a local communication management system on the communication device and a distributed communication management system that manages and coordinates the actions and interactions between the individual components at the device level and system level, wherein the local communication management system preferably establishes a communications link with the short-range wireless transceiver (**management system monitoring the network to control the interaction of each component, such as dynamically switching system and address. See Fig. 3, sec [0220]**); in that said communications link the type of data transferred is further selected from the group of digital and analog data between originator and terminator devices (**See sec [0426].**); in that said communications link further operates in a mode selected from the group of static and dynamic modes of operation with local and remote channel managers (**See sec [0169].**); and that said mode generates a warning signal when the signal strength and bandwidth availability falls below a local threshold, and below a remote threshold (**See sec[0295]-[0296].**)

Regarding claim 5, Tandon teach the devices operates as selected from the group of telephone with operations of data transfer further comprising the selection step of simultaneous bi-directional exchange of digital or analog data, or walkie-talkie with operations further of data transfer comprising the selection step of unidirectional exchange of digital or analog data (**Tandon teach upstream or downstream direction for communication and network access. See sec [0096].**); and that said data is further selected from the group of messaging, paging, data exchange, and standard voice data; and that said telephone features selected from the group of conference calling, call waiting, call forwarding, and voice mail retrieval and recording (**See sec [0222]**)

Regarding claim 6, Tandon teach using the threshold for queue to turn on or off in order to asynchronous the packet arrival and departure, which is dynamical switching (**See sec [0294]-[0296].**)

Regarding claims 7-9, Tandon teach DHCP server, which inherently teach selected from the group of static and dynamic sub-modes. Herein, the static means fix station and dynamic means remote stations, such having wireless connection to enhance the remote station (**See sec [0168]-[0169].**) Tandon also teach dynamic switch when the topology is not updated (**See sec [0191]**), and inherently on the error control system, the standby switch would open for message to flow and while the system has been stable, the gate would close and following the basic routing paths to perform transmitting and receiving. Dynamical algorithm could be in a family of managing or communication link quality (**See sec [0407], [0169]**)

Regarding claim 10, Tandon teach utilizing factors selected from the group of time to register a new dynamic address, communications latency times, and routing capacity availability (**See sec [0151], [0167]-[0168].**)

Regarding claim 11, Tandon teach establishment of the device as a recognized device and the establishment of the device with an initial communications link (**See sec [0088].**)

Regarding claim 12, Tandon teach class to differentiate between communication devices disclosed in the invention and standard network devices, said special device class improves network security (**See sec [0013], [0225].**)

Regarding claims 13-14, Tandon teach the management system extends the traditional caller identification systems by making known both the call originator and the desired call terminator, and serves multiple access numbers concurrently; in that said multiple access numbers are further handled as selected from the group of distinct ring to distinguish between a certain call terminator and others, routing to voice-mail, and screening-in and screening-out filters for process handling of communications link (**See sec [0244]-[0245], [0262]-[0264], [0312]-[0313].**)

Regarding claims 15-17, Tandon teach the device makes known its geographic location; in that said geographic location is determined by the step of selecting from the group of channel manager known location, triangulation of signal strengths from multiple channel managers with their known location, global positioning system, or local positioning system (**Tandon teach the devices could be communicate with one location to other location and using identifier to identify the different locations.**)

See sec [0242].) Tandon also teach the device makes known its geographic location; in that said geographic location is determined by the step of selecting from the group of channel manager known location, triangulation of signal strengths from multiple channel managers with their known location, global positioning system, or local positioning system, and convey specific message (**Tandon teach the video type of data, which would have the display function. The message and acknowledgement message would also be identified to use for initial connection. See sec [0222], [0335].)**)

Regarding claim 18, Tandon teach software or firmware could be used for implementing the system. (**See sec [0427].)** Tandon also teaches the identification services and billing and customer premises identification and other control function (**See sec [0220], [0308]**)

Regarding claim 19, Tandon teach on and off of the devices for QoS class and flow control purpose (**See sec [0298].)**

Regarding claim 20, Tandon teach the device utilizes an integrated data scanner to trigger specific messages with context sensitive information between device and channel manager (**Tandon teach triggering different actions at the intelligent network elements. See [0166]**); in that said data scanner is selected from the group of bar code scanner, read system such as radio frequency identification tags, optical readers, and infrared transceiver; and that said context sensitive information is selected from the group of registration of an individual communication device into a specific channel manager (**See sec [0188], [0261]-[0264], [0324]-[0327], [0354]**), inquiry of product pricing information, generation of manufacturer's coupon, broadcast of known

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geographic location to communication management system, broadcast of user's identification to a specific registered device, and authorization to initiate the sending of encrypted transactional information. **(Tandon also teach broadcast of user's identification and sending encrypted information. See sec [0122], [0167], [0188], [0202])**

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tandon (US Pub No. 2002/0085552.).

Regarding claim 2, Tandon teaches the standard wireless means further comprising the step of selecting from the group of wireless optical means, wireless power-line carrier means, wireless radio-frequency means, and wireless radar means (See sec [0107], [0109], [0191]), and in that said wireless means has multiplexing means further selected from the group of code division and time division multiplexing to increase maximum node devices (See sec [0115].) Tandon does not specifically teach in that said wireless means has minimal interference between the short-range means and long-range means. However, the minimal interference is often desire to choose in order to provide the user the better connection. In addition, Tandon teach to use the

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filter to reduce the unwanted signals (See sec [0115], [0116].) Therefore, it would have been obvious to one who has ordinary skill in the art at the time the invention was to have minimal interference for wireless means because it would provide the user better quality of service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Liou whose telephone number is 571-272-8136. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Liou


RICKY Q. NGO
ASSISTANT PATENT EXAMINER

1/22/2006